

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ERIC GRIFFIN,  
*Petitioner,*

vs.

RUSHINS,  
*Respondent.*

2:11-cv-01181-PMP-PAL

ORDER

Petitioner has submitted an application (#1) to proceed *in forma pauperis* and a habeas petition.

The matter has not been properly commenced because the pauper application does not include all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, the petitioner must attach both an inmate account statement for the past six months and a properly executed financial certificate. Petitioner did not submit an inmate account statement for the past six months. Moreover, the signature on the financial certificate appears suspect.

The application therefore will be denied, and the present action will be dismissed without prejudice to the filing of a new petition in a new action with a pauper application on the proper form with all required attachments.

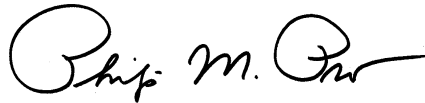
IT THEREFORE IS ORDERED that the application (#1) to proceed *in forma pauperis* is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new petition in a new action with a new pauper application with all required attachments.

1 IT FURTHER IS ORDERED that a certificate of appealability is DENIED as to the  
2 dismissal without prejudice.

3 IT FURTHER IS ORDERED that the Clerk of the Court shall send petitioner two copies  
4 of an application form to proceed *in forma pauperis* for incarcerated persons and one copy of  
5 the instructions for the form, together with a copy of the papers that he submitted in this  
6 action.

7 The Clerk of the Court shall enter final judgment accordingly, dismissing this action  
8 without prejudice.

9 DATED: July 21, 2011.

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12 PHILIP M. PRO  
13 United States District Judge  
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